

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

DAVID W. NAIL,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 1:06-CV-292 PS
)	
J. C. GUTIERREZ, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

David W. Nail, a *pro se* prisoner, submitted a complaint under 42 U.S.C. § 1983 with improperly completed summonses and form USM-285's. Mr. Nail alleges the police trespassed at 4321 Tacoma Ave and used excessive force against him on October 1, 2004. Pursuant to 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint. However, the plaintiff's complaint lacks the detail necessary for this court to adequately screen it; therefore, Mr. Nail must provide detailed answers to the following questions. In each instance, Mr. Nail should clearly identify the actions of each defendant and attach any documentation that he may have available.

1. Did you live at or own the property at 4321 Tacoma Avenue on October 1, 2004?
If not, who did?
2. Who called 911 on that day? Why? What was happening in the house before, during, and after the call? What was said during the call? Why did the caller hang-up?
3. How did the police enter the property? Did they enter the building? What force did they use? What was said by or to the police? Who spoke to the police? What was happening at the property when the police arrived?
4. Did the police strike you? Did the police use pepper spray on you? Why? What were you doing before the police used force against you? Did you resist the police? What did the police say to you? What did you say to the police?

5. What injuries did you suffer? Did you receive any medical treatment? How was your heart traumatized? What injuries did your eyes suffer? What lasting or permanent injuries have you suffered?

6. For what were you arrested? Why? How were those charges resolved?

For the foregoing reasons, this court:

(1) **DIRECTS** the clerk to enclose eight blank Summons forms and four blank Process Receipt and Return (USM-285) forms with the copy of this order that is sent to the plaintiff;

(2) **ORDERS** David W. Nail to file a more definite statement pursuant to FED. R. CIV. P. 12(e) with the properly completed summonses and form USM-285's on or before September 28, 2006; and

(3) **CAUTIONS** Mr. Nail that if he does not comply with this order, this case may be dismissed without further notice pursuant to FED. R. CIV. P. 41(b) for not prosecuting this case and for not complying with an order of this court.

SO ORDERED.

ENTERED: August 28, 2006

s/ Philip P. Simon
Philip P. Simon, Judge
United States District Court